Supreme Court, U.S.
FILED

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No.

In the

Supreme Court of the United States

In Re: The Trusts under the Will of Albert Pollak

PATRICIA POLLAK WEISS,

Petitioner,

v.

PHYLLIS POLLAK BERKETT, As the Successor Interim Trustee of the Trusts Under the Will of Albert Pollak, Deceased, and the Albert Pollak Inter Vivos Trusts,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Before the 1980 constitutional revision of article V of the Florida Constitution, the Florida Supreme Court had a broad constitutional power to entertain "conflict certiorari" petitions. The electorate voted to eliminate all "conflict certiorari" petitions which had previously afforded the Florida Supreme Court the opportunity to settle the law throughout the state. Since 1980, most appellate decisions which are in conflict with other decisions of the same appellate court are unreviewable by the Florida Supreme Court. Most decisions which 2 members of an appellate panel do not want the 7 member Florida Supreme Court to review are also unreviewable.

1. Has the revised Florida Constitution's elimination of all "conflict certiorari" jurisdiction before the Supreme Court of Florida violated the United States Constitution's imperative to provide Due Process and Equal Protection to appellants through the development and application of uniform state law, as required under Article XIV, Section 1?

2. Were Petitioner's constitutionally protected rights of Due Process and Equal Protection transgressed by Florida's failure to follow Florida's judge-made laws and treat Petitioner as other state litigants similarly situated by affording Petitioner an evidentiary hearing on her timely motions to vacate and reconsider a $1,676,377.73 "surcharge judgment" against her (for, *inter alia*, payment of over $300,000 in federal taxes owed by the trusts), where Petitioner had established a "colorable claim" for such relief in the motion papers and through Respondent's concession on appeal of at least $1,100,000.00 in admitted errors in the prior testimony of her expert accountant ?

LIST OF ALL PARTIES

The parties to the proceedings are:

Petitioner:
PATRICIA POLLAK WEISS

Respondent:
PHYLLIS POLLAK BERKETT

PATRICIA POLLAK WEISS is the daughter of PHYLLIS POLLAK BERKETT and Albert Pollak, Deceased.

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Point 2.
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